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2D SESSION

H. R. 3392

To amend the Safe Drinking Water Act to assure the safety of public water systems.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 27, 1993

Mr. SLATTERY (for himself, Mr. BLILEY, Mr. ROWLAND, Mr. HALL of Texas, Mr. COOPER, Mr. PAXON, Mr. UPTON, Mr. LEHMAN, Mr. TAUZIN, Mr. POMEROY, Mr. BEREUTER, Mr. CANADY, Mr. WILLIAMS, Mr. FRANK of Massachusetts, Mr. BARRETT of Nebraska, Mr. BARLOW, Mr. McHUGH, Mr. SWETT, Mrs. VUCANOVICH, Mr. JEFFERSON, Mr. HUNTER, Mr. GRANDY, and Mr. WALSH) introduced the following bill; which was referred to the Committee on Energy and Commerce

JANUARY 26, 1994

Additional sponsors: Mr. SMITH of Iowa, Mr. YATES, Mr. HOEKSTRA, Mr. HALL of Ohio, Mr. FORD of Tennessee, Mrs. FOWLER, Mr. PICKETT, Mr. LANCASTER, Mr. PETERSON of Minnesota, Mr. HANSEN, Mr. COMBEST, Mr. CLEMENT, Mr. EWING, Mr. RICHARDSON, Mr. ROMERO-BARCELÓ, Mr. BISHOP, Mr. EMERSON, Mr. DARDEN, Mr. MONTGOMERY, Mr. CAMP, Mr. GILLMOR, Ms. DANNER, Mr. PARKER, Mr. BLUTE, Mr. BALLENGER, Mr. VOLKMER, Mr. LIGHTFOOT, Mr. NUSSLE, Mr. CONDIT, Mr. KYL, Mr. McCURDY, Mr. STEARNS, Mr. SARPALIUS, Mr. JOHNSON of Georgia, Mr. COLEMAN, Mr. STENHOLM, Mr. THOMAS of Wyoming, Mr. PETE GEREN of Texas, Mr. TAYLOR of Mississippi, Mr. SKEEN, Mr. BARTLETT of Maryland, Mr. DOOLITTLE, Mr. STUMP, Mr. KIM, Mr. COX, Mr. DREIER, Mr. YOUNG of Alaska, Mr. MCCOLLUM, Mr. HUTTO, Mr. MINGE, Mr. SMITH of Texas, Mr. LAUGHLIN, Mr. WILSON, Mr. REGULA, Mr. SOLOMON, Mr. EVERETT, Mr. SPENCE, Mr. LAROCO, Mr. PETRI, Mr. POSHARD, Mr. LEWIS of California, Mr. LEVY, Mr. SMITH of Michigan, Mr. ALLARD, Mr. DUNCAN, Mr. MICA, Mr. COBLE, Mr. McINNIS, and Mr. SISISKY

A BILL

To amend the Safe Drinking Water Act to assure the safety of public water systems.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safe Drinking Water
5 Act Amendments of 1993”.

6 **SEC. 2. GOAL.**

7 Title XIV of the Public Health Service Act (the Safe
8 Drinking Water Act) is amended by inserting the following
9 before section 1401:

10 **“SEC. 1400. GOAL.**

11 “It is the goal of this Act to ensure the quality and
12 safety of drinking water provided to the public by public
13 water systems, and to protect the public health from the
14 threat of disease caused by water-borne contaminants.”.

15 **SEC. 3. DEFINITIONS.**

16 Section 1402 of title XIV of the Public Health Serv-
17 ice Act (the Safe Drinking Water Act) is amended as
18 follows:

19 (1) Amend paragraph (1) to read as follows:

20 “(1) The term ‘primary drinking water regulation’
21 means a regulation which—

22 “(A) applies to public water systems;

1 “(B) specifies one or more contaminants sub-
2 ject to regulation under section 1412;

3 “(C) specifies for each such contaminant ei-
4 ther—

5 “(i) a maximum contaminant level, or

6 “(ii) a treatment technique; and

7 “(D) contains criteria and procedures to assure
8 a supply of drinking water which dependably com-
9 plies with such maximum contaminant levels or
10 treatment technique; including quality control and
11 testing procedures to ensure compliance with such
12 levels or treatment technique and to ensure proper
13 operation and maintenance of the system, and re-
14 quirements as to (i) the minimum quality of water
15 which may be taken into the system, and (ii) siting
16 for new facilities for public water systems.”.

17 (2) Amend paragraph (4) by striking the sec-
18 ond sentence and inserting: “Such term includes (A)
19 any collection, treatment, storage, and distribution
20 facilities under the ownership of such system and
21 used primarily in connection with such system, and
22 (B) any collection or pretreatment storage facilities
23 not under such ownership which are used primarily
24 in connection with such system.”.

1 (3) Amend paragraph (6) by inserting before
2 the period the following: “which is of public health
3 or welfare concern.”.

4 (4) Add the following at the end thereof:

5 “(15) The term ‘risk reduction benefits and
6 costs’ means the public health benefit achieved by
7 changing the level of a contaminant from one level
8 to another, taking cost into consideration.”.

9 **SEC. 5. NATIONAL DRINKING WATER REGULATIONS.**

10 Section 1412 of title XIV of the Public Health Serv-
11 ice Act (the Safe Drinking Water Act) is amended as
12 follows:

13 (1) Amend the second sentence of subsection
14 (a)(1) to read as follows: “No such regulation shall
15 be required to comply with the standards set forth
16 in subsection (b)(3) unless such regulation is amend-
17 ed to establish a different maximum contaminant
18 level (or treatment technique) after the enactment of
19 the Safe Drinking Water Act Amendments of
20 1993.”.

21 (2) In paragraph (3) strike “, (2), or (3)” and
22 insert “or (2)”.

23 (3) Amend subsection (b) to read as follows:

24 “(b)(1) In the case of those contaminants listed in
25 the Advance Notice of Proposed Rulemaking published in

1 volume 47, Federal Register, page 9352, and in volume
2 48, Federal Register, page 45502, for which national pri-
3 mary drinking water regulations have not been promul-
4 gated as of the date of enactment of the Safe Drinking
5 Water Act Amendments of 1993, the Administrator
6 shall—

7 “(A) publish maximum contaminant level goals
8 and promulgate a national primary drinking water
9 regulation in accordance with paragraph (3) for
10 those contaminants which he finds, based on data
11 available under section 1445, occur in drinking
12 water and are of public health concern, and

13 “(B) not later than 18 months after enactment
14 of the Safe Drinking Water Act Amendments of
15 1993, eliminate monitoring, compliance and enforce-
16 ment requirements for those contaminants which the
17 Administrator finds, based on such data, do not
18 occur in drinking water at levels of public health
19 concern.

20 “(2) Not later than 36 months after enactment of
21 the Safe Drinking Water Act Amendments of 1993, and
22 every 5 years thereafter, the Administrator shall promul-
23 gate maximum contaminant level goals and national pri-
24 mary drinking water regulations for new contaminants se-
25 lected in accordance with this paragraph. The Adminis-

1 trator shall review the national drinking water occurrence
2 data base maintained under section 1445. After notice and
3 opportunity for public comment, the Administrator shall
4 assess all occurrence and public health information avail-
5 able with respect to each. Based on such assessment, the
6 Administrator shall determine with respect to each con-
7 taminant listed under section 1445 based upon occurrence
8 and public health concern whether promulgation of a na-
9 tional primary drinking water regulation is or is not ap-
10 propriate, or whether additional health effects or occur-
11 rence information is necessary before a determination can
12 be made. For those contaminants the Administrator
13 makes a determination that a national primary drinking
14 water regulation is not appropriate, the Administrator
15 shall also make a determination on continuation of mon-
16 itoring under section 1445.

17 “(3) Each maximum contaminant level goal estab-
18 lished under this subsection shall be set at the level at
19 which no known or anticipated adverse effects on the
20 health of persons occur and which allows an adequate
21 margin of safety. Each national primary drinking water
22 regulation for a contaminant for which a maximum con-
23 taminant level goal is established under this subsection
24 shall specify a maximum level for such contaminant which
25 is achievable by public water systems with the use of the

1 best technology, treatment techniques and other means,
2 taking public health risk reduction benefits and cost into
3 consideration, which the Administrator finds are available,
4 after examination for efficacy under field conditions, and
5 not solely under laboratory conditions. In addition, the Ad-
6 ministrator shall establish in each national primary drink-
7 ing water regulation best technology treatment techniques
8 for public water systems serving less than 1,000 people,
9 best technology treatment techniques for public water sys-
10 tems serving between 1,000 and 10,000 people, and best
11 technology treatment techniques for public water systems
12 serving more than 10,000 people. In addition to tech-
13 nology, watershed protection and pollution prevention
14 shall be considered appropriate best technology for pur-
15 poses of compliance with national primary drinking water
16 regulations.

17 “(4) Notwithstanding the provisions of paragraph
18 (3), the Administrator shall promulgate national primary
19 drinking water regulations for radionuclides, disinfection
20 byproducts, sulfate, and corrosion byproducts which will
21 be protective of public health and take into account—

22 “(A) the health benefits to be achieved by re-
23 ducing the level of such contaminants in drinking
24 water relative to reducing the level of such contami-
25 nants in other media;

1 “(B) the availability of technology—

2 “(i) that is effective in removing or other-
3 wise treating such contaminants under field
4 conditions reflecting a representative range of
5 water qualities (and not just under laboratory
6 conditions), and

7 “(ii) which does not cause significant ad-
8 verse impacts on—

9 “(I) other elements of drinking water
10 quality,

11 “(II) other environmental media, in-
12 cluding impacts related to disposal of
13 treatment residuals, or

14 “(III) the efficacy of other drinking
15 water treatment or processes; and

16 “(C) the costs to consumers of such regulation.

17 “(5) Each national primary drinking water regulation
18 which establishes a maximum contaminant level shall list
19 the technology, treatment techniques, and compliance
20 timeframes and other means which the Administrator
21 finds to be available for purposes of meeting such maxi-
22 mum contaminant level, but a regulation under this sub-
23 section shall not require that any specified technology,
24 treatment technique, or other means be used for purposes
25 of meeting such maximum contaminant level.

1 “(6)(A) The Administrator is authorized to promul-
2 gate a national primary drinking water regulation that re-
3 quires the use of a treatment technique in lieu of establish-
4 ing a maximum contaminant level, if the Administrator
5 makes a finding that it is not economically or techno-
6 logically feasible to ascertain the level of the contaminant.
7 In such case, the Administrator shall identify those treat-
8 ment techniques which will be protective of public health
9 and which take into account the factors specified in para-
10 graphs (3) and (4) of this subsection as appropriate. Such
11 regulation shall specify each treatment technique known
12 to the Administrator which meets the requirements of this
13 paragraph, but the Administrator may grant a variance
14 from any specified treatment technique in accordance with
15 section 1415(a)(3).

16 “(B)(i) Not later than 18 months after the enactment
17 of the Safe Drinking Water Act Amendments of 1986, the
18 Administrator shall propose and promulgate national pri-
19 mary drinking water regulations specifying criteria under
20 which filtration (including coagulation and sedimentation,
21 as appropriate) is required as a treatment technique for
22 public water systems supplied by surface water sources.
23 In promulgating such rules, the Administrator shall con-
24 sider the quality of source waters, protection afforded by
25 watershed management, treatment practices (such as dis-

1 infection and length of water storage) and other factors
2 relevant to protection of health.

3 “(ii) In lieu of the provisions of section 1415 the Ad-
4 ministrator shall specify procedures by which the State de-
5 termines which public water systems within its jurisdiction
6 shall adopt filtration under the criteria of clause (i). The
7 State may require the public water system to provide stud-
8 ies or other information to assist in this determination.
9 The procedures shall provide notice and opportunity for
10 public hearing on this determination. If the State deter-
11 mines that filtration is required, the State shall prescribe
12 a schedule for compliance by the public water system with
13 the filtration requirement. The schedule shall take into ac-
14 count the time which is reasonably necessary for the public
15 water system to plan, design, finance, and construct filtra-
16 tion facilities and adjust operating practices necessary to
17 achieve compliance with the filtration requirement.

18 “(iii) Within 24 months from the time that the Ad-
19 ministrator establishes the criteria and procedures under
20 this subparagraph, a State with primary enforcement re-
21 sponsibility shall adopt any necessary regulations to imple-
22 ment this subparagraph. Within 12 months of adoption
23 of such regulations the State shall make determinations
24 regarding filtration for all the public water systems within
25 its jurisdiction supplied by surface waters.

1 “(iv) If a State does not have primary enforcement
2 responsibility for public water systems, the Administrator
3 shall have the same authority to make the determination
4 in clause (ii) in such State as the State would have under
5 that clause. Any filtration requirement or schedule under
6 this subparagraph shall be treated as if it were a require-
7 ment of a national primary drinking water regulation.

8 “(7) Not later than 48 months after the enactment
9 of the Safe Drinking Water Act Amendments of 1993, the
10 Administrator shall propose and promulgate national pri-
11 mary drinking water regulations requiring disinfection as
12 a treatment technique for all public water systems. The
13 Administrator shall simultaneously promulgate a rule
14 specifying criteria that will be used by the Administrator
15 (or delegated State authorities) to grant variances from
16 this requirement according to the provisions of section
17 1415(a)(1)(B) and 1415(a)(3). In implementing section
18 1442(g) the Administrator or the delegated State author-
19 ity shall, where appropriate, give special consideration to
20 providing technical assistance to small public water sys-
21 tems in complying with the regulations promulgated under
22 this paragraph.

23 “(8)(A) National primary drinking water regulations
24 promulgated prior to the Safe Drinking Water Act
25 Amendments of 1993 shall be reviewed not later than 30

1 months after enactment of such amendments. If the Ad-
2 ministrator determines, based on data available under sec-
3 tion 1445, that any contaminant subject to regulation does
4 not occur in public water systems at levels of public health
5 concern, he shall eliminate monitoring, compliance and en-
6 forcement requirements from such contaminant regula-
7 tion. Such regulations shall also be reviewed not later than
8 5 years after enactments of such amendments, and if the
9 Administrator determines that a regulation is not consist-
10 ent with the factors specified in paragraph (3) or (4) of
11 this subsection as appropriate, he shall promulgate a re-
12 vised regulation in accordance with such factors.

13 “(B) Each national primary drinking water regula-
14 tion promulgated after the enactment of the Safe Drinking
15 Water Act Amendments of 1993 shall include a schedule
16 for periodic review of such regulation. Such reviews shall
17 include an analysis of new health effects and occurrence
18 data, and innovations or changes in technology, treatment
19 techniques or other activities that have become available
20 since the promulgation of such regulation. If the Adminis-
21 trator determines that the contaminant subject to regula-
22 tion no longer occurs in drinking water at levels of public
23 health concern, the Administrator shall eliminate monitor-
24 ing, compliance and enforcement requirements from such
25 contaminant regulation, and if he determines that the reg-

1 ulation is not consistent with the factors specified in para-
2 graph (3) or (4) of this subsection as appropriate, the
3 Administrator shall promulgate a revised regulation in ac-
4 cordance with such factors.

5 “(9) National primary drinking water regulations
6 promulgated under this subsection (and amendments
7 thereto) shall take effect in accordance with schedules pro-
8 mulgated by the Administrator in each such regulation ex-
9 cept such schedule including monitoring requirements
10 shall not be less than 24 months. Such schedules shall
11 take into account the time which is reasonably necessary
12 for public water systems to plan, design, finance, and con-
13 struct treatment facilities and adjust operating practices
14 necessary to achieve compliance with the regulation. Regu-
15 lations under subsection (a) shall be superseded by regula-
16 tions under this subsection to the extent provided by the
17 regulations under this subsection.

18 “(10) No national primary drinking water regulation
19 may require the addition of any substance for preventive
20 health care purposes unrelated to contamination of drink-
21 ing water.”.

22 (4) Amend the second sentence of subsection
23 (e) to read as follows: “The Board shall respond, as
24 it deems appropriate, and the Administrator shall
25 publish the findings and recommendations of the

1 Board, if any, as part of the notice of proposed rule-
2 making.”.

3 (5) Add the following at the end thereof:

4 “(f) NEGOTIATED RULEMAKING.—The Adminis-
5 trator may utilize negotiated rulemaking procedures found
6 in the Negotiated Rulemaking Act (5 U.S.C. 581–590)
7 whenever he determines it will facilitate the promulgation
8 of regulations required by this section.”.

9 **SEC. 4. STATE PRIMARY ENFORCEMENT RESPONSIBILITY.**

10 Section 1413 of title XIV of the Public Health Serv-
11 ice Act (the Safe Drinking Water Act) is amended as
12 follows:

13 (1) Amend paragraph (1) of subsection (a) to
14 read as follows:

15 “(1) has adopted within 24 months of promul-
16 gation by the Administrator, drinking water regula-
17 tions which are no less stringent than the national
18 primary drinking water regulations promulgated by
19 the Administrator under sections 1412(a) and
20 1412(b);”.

21 (2) Amend paragraph (4) of subsection (a) to
22 read as follows:

23 “(4) If it permits variances from the require-
24 ments of its drinking water regulations which meet
25 the requirements of paragraph (1), permits such

1 variances under conditions and in a matter which is
2 not less stringent than the conditions under, and the
3 manner in, which variances may be granted under
4 section 1415; and”.

5 **SEC. 6. ENFORCEMENT OF DRINKING WATER REGULA-**
6 **TIONS.**

7 Section 1414 of title XIV of the Public Health Serv-
8 ice Act (the Safe Drinking Water Act) is amended as
9 follows:

10 (1) Strike “or an exemption under 1416” in
11 each place it appears.

12 (2) Strike “or an exemption under section
13 1416(f) in each place it appears.

14 (3) In subsection (b) strike “or exemption” and
15 strike “or 1416”.

16 (4) Amend so much of subsection (c) as follows
17 paragraph (1) to read as follows:

18 “(2) if the public water system is subject to a
19 variance granted under section 1415(a)(1)(A) or
20 1415(a)(2) for an inability to meet a maximum con-
21 taminant level requirement—

22 “(A) the existence of such variance, and

23 “(B) any failure to comply with the re-
24 quirements of any schedule prescribed pursuant
25 to the variance.

1 The Administrator shall by regulation prescribe the fre-
2 quency for giving notice under this subsection. Within 15
3 months after the enactment of the Safe Drinking Water
4 Act Amendments of 1993, the Administrator shall amend
5 such regulations to provide for different types and fre-
6 quencies of notice based on the seriousness of any poten-
7 tial adverse health effects which may be involved. Notice
8 of any violation designated by the Administrator as posing
9 a serious potential adverse health effect shall be given as
10 soon as possible, but in no case later than 14 days after
11 the violation. Notice of violations judged to be less serious
12 shall be given no less frequently than annually. The Ad-
13 ministrator shall provide guidance as to the form, manner
14 and content of notice to be used to provide information
15 as promptly and effectively as possible taking into account
16 both the seriousness of any potential adverse health effects
17 and the likelihood of reaching all affected persons. States,
18 in consultation with public water systems, shall determine
19 the actual form, manner, and content of such notices. The
20 Administrator may also require the owner or operator of
21 a public water system to give notice to the persons served
22 by it of contaminant levels of any unregulated contami-
23 nant required to be monitored under section 1445(a). Any
24 person who violates this subsection or regulations issued

1 under this subsection shall be subject to a civil penalty
2 of not to exceed \$25,000.”.

3 (5) In subsection (f)(2) strike “or exemption”.

4 **SEC. 7. VARIANCES.**

5 Section 1415 of title XIV of the Public Health Serv-
6 ice Act (the Safe Drinking Water Act) is amended to read
7 as follows:

8 **“SEC. 1415. VARIANCES.**

9 “Notwithstanding any other provision of this part,
10 variances from national primary drinking water regula-
11 tions may be granted as follows:

12 “(1) A State which has primary enforcement
13 responsibility for public water systems may grant
14 one or more variances from an applicable national
15 primary drinking water regulation to one or more
16 public water systems within its jurisdiction.

17 “(2) A variance may only be issued if the State
18 has determined that the water system cannot afford
19 to install the BAT or other technology that has been
20 identified by the Administrator as appropriate for
21 the system size category to meet the maximum con-
22 taminant level, and if it is not feasible for the water
23 system to connect with another source of water that
24 will meet the standards. If the State determines that
25 a water system is unable to comply with a des-

1 ignated BAT, the system will be required to comply
2 with a best available affordable technology (BAAT)
3 as designed by the Environmental Protection Agen-
4 cy. Such measures may include, but not be limited
5 to, requirements for public education and notifica-
6 tion, and use of alternative technologies that, while
7 they cannot bring the contaminant level below the
8 maximum contaminant level, will not result in an
9 unreasonable risk to health.

10 “(3) After a variance is issued, it shall be re-
11 viewed by the State every 3 years to determine if the
12 conditions for granting the variance still exist. It
13 shall be the responsibility of the water system to
14 provide documentation to the State indicating that
15 current BAT for the system size is still unaffordable
16 and the system is still unable to connect with an-
17 other source of water that meets the standards.

18 “(4) Before a determination to grant a variance
19 is made by the State, the State shall provide notice
20 and opportunity for a public hearing on the deter-
21 mination. Each State that grants a variance shall
22 promptly notify the Administrator of the granting of
23 such variance. Such notification shall include the
24 reasons for the variance and the documentation used
25 to grant the variance.

1 “(5) The Administrator, in consultation with
2 the States shall develop affordability guidance within
3 18 months of enactment of the Safe Drinking Water
4 Act Amendments of 1993. Such affordability criteria
5 will be reviewed by the Administrator and States
6 every 5 years to determine if changes are needed to
7 the criteria.”.

8 **SEC. 8. EXEMPTIONS.**

9 Section 1416 of title XIV of the Public Health Serv-
10 ice Act (the Safe Drinking Water Act) is repealed.

11 **SEC. 9. RETURN OF WATER.**

12 Title XIV of the Public Health Service Act (the Safe
13 Drinking Water Act) is amended by adding the following
14 after section 1417:

15 **“SEC. 1418. PROHIBITION ON THE RETURN OF WATER TO**
16 **PUBLIC WATER SYSTEMS.**

17 “(a) IN GENERAL.—

18 “(1) PROHIBITION.—Other provisions of law
19 notwithstanding, except as provided in paragraph
20 (2), no treated drinking water may be removed from
21 a public water system used for any purpose or rout-
22 ed through any device or pipes outside the public
23 water system, and returned to the public water
24 system.

1 “(2) EXCEPTIONS.—The prohibition in para-
2 graph (1) shall not apply to pipes and devices totally
3 within the control of one or more public water sys-
4 tems or to connections between water mains.

5 “(b) STATE ENFORCEMENT.—The requirements of
6 subsection (a) shall be enforced in all States effective 24
7 months after enactment of this section. States shall en-
8 force such requirements through State or local plumbing
9 codes, or such other means of enforcement as the State
10 may determine to be appropriate.”.

11 **SEC. 10. TAMPERING.**

12 Section 1432 of title XIV of the Public Health Serv-
13 ice Act (the Safe Drinking Water Act) is amended by
14 striking subsection (d) and inserting:

15 “(d) DEFINITION OF TAMPER.—For purposes of this
16 section, the term ‘tamper’ means—

17 “(1) to introduce a contaminant into a public
18 water system with the intention of harming persons;

19 “(2) to otherwise interfere with the operation of
20 a public water system with the intention of harming
21 persons; or

22 “(3) to inject water that has gone out of a pub-
23 lic water system, back into such system in violation
24 of section 1418.”.

1 **SEC. 11. RESEARCH, TECHNICAL ASSISTANCE, INFORMA-**
2 **TION, AND TRAINING OF PERSONNEL.**

3 Section 1442 of title XIV of the Public Health Serv-
4 ice Act (the Safe Drinking Water Act) is amended as
5 follows:

6 (1) In subsection (a)(1) strike “may” and in-
7 sert “shall”.

8 (2) Before the period at the end of subsection
9 (a)(2) insert: “and for other purposes, including

10 “(i) the development and dissemination of
11 advisory measures to protect against contami-
12 nants which have not been found to occur in
13 drinking water at levels of public health con-
14 cern;

15 “(ii) assistance in achieving compliance
16 with the public notification requirements of sec-
17 tion 1414(c), and

18 “(iii) the development and dissemination of
19 minimum guidance for the certification of lab-
20 oratories that perform drinking water analyses,
21 and for the certification of individuals who op-
22 erate public water systems, for use by the
23 States in ensuring the validity of monitoring re-
24 ports by regulations issued under section 1445,
25 and the competence of system operators.”.

26 (3) Amend subsection (f) to read as follows:

1 “(f)(1) There are authorized to be appropriated to
 2 carry out the provisions of this section, other than sub-
 3 sections (a)(1) and (a)(2)(B) and provisions relating to
 4 research, \$15,000,000 for the fiscal year ending June 30,
 5 1975; \$25,000,000 for the fiscal year ending June 30,
 6 1976; \$35,000,000 for the fiscal year ending June 30,
 7 1977, \$17,000,000 for each of the fiscal years 1978 and
 8 1979; \$21,405,000 for the fiscal year ending September
 9 30, 1980; \$30,000,000 for the fiscal year ending Septem-
 10 ber 30, 1981, \$35,000,000 for the fiscal year ending Sep-
 11 tember 30, 1982.

12 “(2) There are authorized to be appropriated to carry
 13 out the provisions of subsection (a)(1) not more than the
 14 following amounts:

“Fiscal Year	Amount
1994	\$20,000,000
1995	20,000,000
1996	20,000,000
1997	20,000,000
1998	20,000,000.

15 “(3) There are authorized to be appropriated to carry
 16 out subsection (a)(2)(B) \$8,000,000 for each of the fiscal
 17 years 1978 through 1982. There are authorized to be ap-
 18 propriated to carry out subsection (a)(2)(B) not more
 19 than the following amounts:

“Fiscal Year	Amount
1987	\$7,650,000
1988	7,650,000
1989	8,050,000
1990	8,050,000
1991	8,050,000.

1 “(4) There are authorized to be appropriated to carry
 2 out the provisions of this section (other than subsection
 3 (g), subsection (a)(1), subsection (a)(2)(B), and provisions
 4 relating to research), not more than the following
 5 amounts:

“Fiscal Year	Amount
1987	\$35,600,000
1988	35,600,000
1989	38,020,000
1990	38,020,000
1991	38,020,000.”.

6 **SEC. 12. GRANTS FOR STATE PROGRAMS.**

7 Section 1443 of title XIV of the Public Health Serv-
 8 ice Act (the Safe Drinking Water Act) is amended as fol-
 9 lows:

10 (1) Amend the table in subsection (a)(7) to
 11 read as follows:

“Fiscal Year	Amount
1987	\$37,200,000
1988	37,200,000
1989	40,150,000
1990	40,150,000
1991	40,150,000
1994	100,000,000
1995	125,000,000
1996	150,000,000
1997	150,000,000
1998	150,000,000.”.

12 (2) Amend paragraph (1) of subsection (c) by
 13 striking “and exemptions” in both places it appears
 14 and by striking “and 1416”.

1 **SEC. 13. RECORDS, OCCURRENCE DATA, AND INSPECTIONS.**

2 Section 1445 of title XIV of the Public Health Serv-
3 ice Act (the Safe Drinking Water Act) is amended to read
4 as follows:

5 **“SEC. 1445. RECORDS, OCCURRENCE DATA, AND INSPEC-**
6 **TIONS.**

7 “(a) IN GENERAL.—(1) Every person who is a sup-
8 plier of water, who is or may be otherwise subject to a
9 primary drinking water regulation prescribed under sec-
10 tion 1412 or to an applicable underground injection con-
11 trol program (as defined in section 1422(c)), who is or
12 may be subject to the permit requirement of section 1424
13 or to an order issued under section 1441, or who is a
14 grantee, shall establish and maintain such records, make
15 such reports, conduct such monitoring, and provide such
16 information as the Administrator may reasonably require
17 by regulation to assist him in establishing regulations
18 under this title, in determining whether such person has
19 acted or is acting in compliance with this title, in admin-
20 istering any program of financial assistance under this
21 title, in evaluating the health risks of unregulated con-
22 taminant, or in advising the public of such risks. In requir-
23 ing a public water system to monitor under this sub-
24 section, the Administrator may take into consideration the
25 system size and the contaminants likely to be found in
26 the system’s drinking water. Compliance monitoring regu-

1 lations promulgated under this paragraph shall permit the
2 States with primary enforcement responsibility under sec-
3 tion 1413 to tailor monitoring requirements for any indi-
4 vidual public water system, or class of systems, based on
5 occurrence data and other information concerning such
6 system or class which is available to the State.

7 “(2) Not later than 18 months after enactment of
8 the Safe Drinking Water Act Amendments of 1993, the
9 Administrator shall promulgate regulations specifying a
10 monitoring program for unregulated contaminants. The
11 regulations shall require monitoring of drinking water sup-
12 plied by the system and shall vary the frequency and
13 schedule of monitoring requirements for systems based on
14 the number of persons served by the system, the source
15 of supply, and the contaminants likely to be found. Each
16 system required to monitor shall conduct such monitoring
17 at least once every 5 years after the effective date of the
18 Administrator’s regulations unless the Administrator re-
19 quires more frequent monitoring.

20 “(3) Not later than 18 months after enactment of
21 the Safe Drinking Water Act Amendments of 1993 and
22 every 5 years thereafter, the Administrator shall promul-
23 gate revised regulations under paragraph (2) listing not
24 more than 30 unregulated contaminants to be monitored
25 by public water systems and included in the national

1 drinking water occurrence data base maintained pursuant
2 to subsection (b) of this section. Public water system serv-
3 ing 10,000 or more people shall monitor for all listed con-
4 taminants. In addition, each State shall develop a rep-
5 resentative monitoring plan to assess the occurrence of un-
6 regulated contaminants in systems serving fewer than
7 10,000 people, which plan shall require monitoring by sys-
8 tems representatives of different sizes, types and geo-
9 graphic locations within the State. Environmental Protec-
10 tion Agency shall make available to the States, on request,
11 laboratory capacity to analyze samples taken pursuant to
12 the plan.

13 “(4) Public water systems conducting monitoring of
14 unregulated contaminants pursuant to this section shall
15 provide the results of such monitoring to the primary en-
16 forcement authority.

17 “(5) Notification of the availability of the results of
18 the monitoring programs required under paragraph (2),
19 and notification of the availability of the results of the
20 monitoring program referred to in paragraph (6), shall be
21 given to the persons served by the system and the Admin-
22 istrator.

23 “(6) The Administrator may waive the monitoring re-
24 quirement under paragraph (2) for a system which has
25 conducted a monitoring program after January 1, 1983,

1 if the Administrator determines the program to have been
2 consistent with the regulations promulgated under this
3 section.

4 “(7) Any system supplying less than 150 service con-
5 nections shall be treated as complying with this subsection
6 if such system provides water samples or the opportunity
7 for sampling according to rules established by the Admin-
8 istrator.

9 “(8) There are authorized to be appropriated
10 \$30,000,000 in the fiscal year ending September 30,
11 1987, to remain available until expended to carry out the
12 provisions of this subsection.

13 “(b) OCCURRENCE DATA BASE.—Not later than 24
14 months after enactment of the Safe Drinking Water Act
15 Amendments of 1993, the Administrator shall assemble
16 and maintain a national drinking water occurrence data
17 base, using information on the occurrence of both regu-
18 lated and unregulated contaminants in public water supply
19 systems obtained under subsection (a) of this section, and
20 information from other public and private sources. Such
21 data shall be used by the Administrator in making any
22 determination under section 1412 with respect to the oc-
23 currence of any contaminant in drinking water at levels
24 of public health concern. The Administrator shall periodi-
25 cally solicit recommendation from the National Academy

1 of Sciences and any person may petition the Administrator
2 with respect to contaminants that should be included in
3 the national drinking water occurrence data base, includ-
4 ing recommendations with respect to additional unregu-
5 lated contaminants which should be listed in regulations
6 promulgated under paragraph (3) of subsection (a) of this
7 section.

8 “(c) ENTRY AND INSPECTION.—(1) Except as pro-
9 vided in paragraph (2), the Administrator, or a represent-
10 ative of the Administrator duly designated by him, upon
11 presenting appropriate credentials and a written notice to
12 any supplier of water or other person subject to (A) a na-
13 tional primary drinking water regulation prescribed under
14 section 1412, (B) and applicable underground injection
15 control program, or (C) any requirement to monitor an
16 unregulated contaminant pursuant to subsection (a), or
17 person in charge of any of the property of such supplier
18 or other person referred to in clause (A), (B), or (C), is
19 authorized to enter any establishment, facility, or other
20 property of such supplier or other person in order to deter-
21 mine whether such supplier or other person has acted or
22 is acting in compliance with this title, including for this
23 purpose, inspection, at reasonable times, of records, files,
24 papers, processes, controls, and facilities, or in order to
25 test any feature of a public water system, including its

1 raw water source. The Administrator or the Comptroller
2 General (or any representative designated by either) shall
3 have access for the purpose or audit and examination to
4 any records, reports, or information of a grantee which
5 are required to be maintained under subsection (a) or
6 which are pertinent to any financial assistance under this
7 title.

8 “(2) No entry may be made under the first sentence
9 of paragraph (1) in an establishment, facility, or other
10 property of a supplier of water or other person subject
11 to a national primary drinking water regulation if the es-
12 tablishment, facility, or other property is located in a State
13 which has primary enforcement responsibility for public
14 water systems unless, before written notice of such entry
15 is made, the Administrator (or his representative) notifies
16 the State agency charged with responsibility for safe
17 drinking water of the reasons for such entry. The Admin-
18 istrator shall, upon a showing by the State agency that
19 such an entry will be detrimental to the administration
20 of the State’s program of primary enforcement respon-
21 sibility, take such showing into consideration in determin-
22 ing whether to make such entry. No State agency which
23 receives notice under this paragraph of an entry proposed
24 to be made under paragraph (1) may use the information
25 contained in the notice to inform the person whose prop-

erty is proposed to be entered of the proposed entry; and if a State agency so uses such information, notice to the agency under this paragraph is not required until such time as the Administrator determines the agency has provided the Administrator with satisfactory assurances that it will no longer so use information contained in a notice under this paragraph.

“(d) PENALTY.—Whoever fails or refuses to comply with any requirement of subsection (a) or to allow the Administrator, the Comptroller General, or representatives of either, to enter and conduct any audit or inspection authorized by subsection (b) shall be subject to a civil penalty of not to exceed \$25,000.

“(e) TRADE SECRETS.—(1) Subject to paragraph (2), upon a showing satisfactory to the Administrator by any person that any information required under this section from such person, if made public, would divulge trade secrets or secret processes of such person, the Administrator shall consider such information confidential in accordance with the purposes of section 1905 of title 18, of the United States Code. If the applicant fails to make a showing satisfactory to the Administrator, the Administrator shall give such applicant 30 days notice before releasing the information to which the application relates

1 (unless the public health or safety requires an earlier re-
2 lease of such information).

3 “(2) Any information required under this section (A)
4 may be disclosed to other officers, employees, or author-
5 ized representatives of the United States concerned with
6 carrying out this title or to committees of the Congress,
7 or when relevant in any proceeding under this title and
8 (B) shall be disclosed to the extent it deals with the level
9 of contaminants in drinking water. For purposes of this
10 subsection the term ‘information required under this sec-
11 tion’ means any papers, books, documents, or information,
12 or any particular part thereof, reported to or otherwise
13 obtained by the Administrator under this section.

14 “(f) DEFINITION OF GRANTEE.—For purposes of
15 this section, (1) the term ‘grantee’ means any person who
16 applies for or receives financial assistance, by grant, con-
17 tract, or loan guarantee under this title, and (2) the term
18 ‘person’ includes a Federal agency.”.

19 **SEC. 14. JUDICIAL REVIEW.**

20 Section 1448 of title XIV of the Public Health Serv-
21 ice Act (the Safe Drinking Water Act) is amended by
22 striking out “or exemption” each place it appears and by
23 striking out “or 1416”.

1 **SEC. 15. CITIZENS CIVIL ACTION.**

2 Section 1449 of title XIV of the Public Health Serv-
3 ice Act (the Safe Drinking Water Act) is amended as
4 follows:

5 (1) Strike the period at the end of subsection

6 (b)(1)(B) and insert “; or” and add the following:

7 “(C) against a public water system which
8 is operating under the terms of an—

9 “(i) administrative compliance order,

10 “(ii) administrative consent agree-
11 ment, or

12 “(iii) judicial consent decree, and
13 is in compliance with the terms of such order,
14 agreement or decree; or”.

15 (2) Strike “or 1416” and “or exemption” in
16 subsection (b)(2).

○

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